

In the Matter of License No. 24732-D2-Mendall Moore's Seaman Documents
Issued to: PAUL J. SHARPE

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1136

PAUL J. SHARPE

This appeal has been taken in accordance with Title 46 United States Code 239(g) and Title 46 code of Federal Regulations 137.11-1.

An Examiner of the United States Coast Guard conducted a hearing at Jacksonville, Florida and by order dated 10 August 1959, revoked Appellant's seaman documents upon finding him guilty of misconduct based on his plea of guilty to three specifications. These specification allege that while serving as Third Mate on board the Unites States SS SOUTHPORT under authority of the license above described, on 24 July 1959, and from 2000 to 24000 due to his intoxicated condition; on 25 July 1959, Appellant was unable to stand his assigned watches from 0800 to 1200 because he was intoxicated. During these times, the ship was at a dock in Wilmington, North Carolina until getting underway for sea at 2100 on 24 July.

Appellant admitted at the hearing that he was ashore drinking intoxicants on 23 and 24 July. Appellant was on board the ship at the times he missed these watches. His prior record consists of two suspensions in 1945 for absence without leave; a three months' outright suspension in 1953 for inability to perform his duties because of intoxication; and a four months' suspension in 1958 for being unable to perform his duties due to intoxication.

This appeal is a plea for clemency on the grounds that Appellant was not guilty of the offenses found proved in 1945; he has never caused any danger to a ship, and is proficient in seamanship despite his bad record; the order of revocation will create extreme hardships for Appellant and his family. Appellant pleads that he be placed on probation for five years and states that he will never again request leniency if he takes a drink.

OPINION

I am not persuaded to modify the order of revocation in view of Appellant's prior record of two offenses, in 1953 and 1958, which are exactly the same as the three offenses now under consideration. Appellant's past conduct has marked him as an officer who would be a constant potential danger to a ship and crew, as well as an extremely poor example for unlicensed seamen because of his habitual, excessive indulgence in intoxicants. In addition, he has caused considerable extra work for his shipmates when he had been absent or unable to perform his duties. Such a seaman should not be permitted to sail regardless of how competent he is when sober.

The extent to which Appellant's personal life is affected by this action cannot be given consideration since the safety of many lives and property at sea is the determining factor in these proceedings.

ORDER

The order of the Examiner dated at Jacksonville, Florida, on 10 August 1959, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D. C., this 8th day of February, 1960.